



General Assembly

February Session, 2002

***Raised Bill No. 76***

LCO No. 184

Referred to Committee on Planning and Development

Introduced by:  
(PD)

***AN ACT CONCERNING THE MEMBERSHIP OF THE STATE TRAFFIC COMMISSION AND ISSUANCE OF CERTIFICATES OF OPERATION FOR CERTAIN PROJECTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-298 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) There shall be within the Department of Transportation a State  
4 Traffic Commission. Said Traffic Commission shall consist of the  
5 Commissioner of Transportation, the Commissioner of Public Safety  
6 and the Commissioner of Motor Vehicles. For the purpose of  
7 standardization and uniformity, said commission shall adopt and  
8 cause to be printed for publication regulations establishing a uniform  
9 system of traffic control signals, devices, signs and markings consistent  
10 with the provisions of this chapter for use upon the public highways.  
11 The commissioner shall make known to the General Assembly the  
12 availability of such regulations and any requesting member shall be  
13 sent a written copy or electronic storage media of such regulations by  
14 the commissioner. Taking into consideration the public safety and  
15 convenience with respect to the width and character of the highways

16 and roads affected, the density of traffic thereon and the character of  
17 such traffic, said commission shall also adopt regulations, in  
18 cooperation and agreement with local traffic authorities, governing the  
19 use of state highways and roads on state-owned properties, and the  
20 operation of vehicles including but not limited to motor vehicles, as  
21 defined by section 14-1, and bicycles, as defined by section 14-286,  
22 thereon. A list of limited-access highways shall be published with such  
23 regulations and said list shall be revised and published once each year.  
24 The commissioner shall make known to the General Assembly the  
25 availability of such regulations and list and any requesting member  
26 shall be sent a written copy or electronic storage media of such  
27 regulations and list by the commissioner. A list of limited-access  
28 highways opened to traffic by the Commissioner of Transportation in  
29 the interim period between publications shall be maintained in the  
30 office of the State Traffic Commission and such regulations shall apply  
31 to the use of such listed highways. Said commission shall also make  
32 regulations, in cooperation and agreement with local traffic authorities,  
33 respecting the use by through truck traffic of streets and highways  
34 within the limits of, and under the jurisdiction of, any city, town or  
35 borough of this state for the protection and safety of the public. If said  
36 commission determines that the prohibition of through truck traffic on  
37 any street or highway is necessary because of an immediate and  
38 imminent threat to the public health and safety and the local traffic  
39 authority is precluded for any reason from acting on such prohibition,  
40 the commission, if it is not otherwise precluded from so acting, may  
41 impose such prohibition. Said commission may place and maintain  
42 traffic control signals, signs, markings and other safety devices, which  
43 it deems to be in the interests of public safety, upon such highways as  
44 come within the jurisdiction of said commission as set forth in section  
45 14-297. The traffic authority of any city, town or borough may place  
46 and maintain traffic control signals, signs, markings and other safety  
47 devices upon the highways under its jurisdiction, and all such signals,  
48 devices, signs and markings shall conform to the regulations  
49 established by said commission in accordance with this chapter, and

50 such traffic authority shall, with respect to traffic control signals,  
51 conform to the provisions of section 14-299.

52 (b) In making decisions on applications for certification under  
53 sections 14-311, as amended by this act, and 14-311c, as amended by  
54 this act, the membership of the State Traffic Commission shall consist  
55 of the Commissioner of Transportation, the Commissioner of Public  
56 Safety, the Commissioner of Motor Vehicles, the executive director of  
57 the Council on Environmental Quality, the Commissioner of  
58 Environmental Protection and the chairperson of the regional planning  
59 agency operating in the planning region, designated or redesignated  
60 by the Secretary of the Office of Policy and Management pursuant to  
61 section 16a-41, in which the development for which an application has  
62 been filed is located.

63 Sec. 2. Section 14-311 of the general statutes is repealed and the  
64 following is substituted in lieu thereof (*Effective October 1, 2002*):

65 (a) No person, firm, corporation, state agency, or municipal agency  
66 or combination thereof shall build, expand, establish or operate any  
67 open air theater, shopping center or other development generating  
68 large volumes of traffic, having an exit or entrance on, or abutting or  
69 adjoining, any state highway or substantially affecting state highway  
70 traffic within this state until such person or agency has procured from  
71 the State Traffic Commission a certificate that the operation thereof  
72 will not imperil the safety of the public.

73 (b) No local building official shall issue a building or foundation  
74 permit to any person, firm, corporation, state agency or municipal  
75 agency to build, expand, establish or operate such a development until  
76 the person, firm, corporation or agency provides to such official a copy  
77 of the certificate issued under this section by the commission. If the  
78 commission determines that any person, firm, corporation, or state or  
79 municipal agency has (1) started building, expanding, establishing or  
80 operating such a development without first obtaining a certificate from  
81 the commission, or (2) has failed to comply with the conditions of such

82 a certificate, it shall order the person, firm, corporation or agency to  
 83 (A) cease constructing, expanding, establishing or operating the  
 84 development, or (B) comply with the conditions of the certificate  
 85 within a reasonable period of time. If such person, firm, corporation or  
 86 agency fails to (i) cease such work, or (ii) comply with an order of the  
 87 commission within such time as specified by the commission, the  
 88 commission may make an application to the superior court for the  
 89 judicial district of Hartford or the judicial district where the  
 90 development is located enjoining the construction, expansion,  
 91 establishment or operation of such development.

92 (c) The State Traffic Commission shall issue its decision on an  
 93 application for a certificate under subsection (a) of this section not later  
 94 than one hundred twenty days after it is filed, except that, if the  
 95 commission needs additional information from the applicant, it shall  
 96 notify the applicant in writing as to what information is required and  
 97 (1) the commission may toll the running of such one-hundred-twenty-  
 98 day period by the number of days between and including the date  
 99 such notice is received by the applicant and the date the additional  
 100 information is received by the commission, and (2) if the commission  
 101 receives the additional information during the last ten days of the one-  
 102 hundred-twenty-day period and needs additional time to review and  
 103 analyze such information, it may extend such period by not more than  
 104 fifteen days. [The State Traffic Commission may also, at its discretion,  
 105 postpone action on any application submitted pursuant to this section  
 106 or section 14-311a until such time as it is shown that an application has  
 107 been filed with and approved by the municipal planning and zoning  
 108 agency or other responsible municipal agency.]

109 (d) In determining the advisability of such certification, the State  
 110 Traffic Commission shall include, in its consideration, highway safety,  
 111 the width and character of the highways affected, the density of traffic  
 112 thereon, the character of such traffic, [and] the opinion and findings of  
 113 the traffic authority of the municipality wherein the development is  
 114 located and consistency with the state plan of conservation and

115 development. If the State Traffic Commission determines that traffic  
 116 signals, pavement markings, channelization, pavement widening or  
 117 other changes or traffic control devices are required to handle traffic  
 118 safely and efficiently, one hundred per cent of the cost thereof shall be  
 119 borne by the person building, establishing or operating such open air  
 120 theater, shopping center or other development generating large  
 121 volumes of traffic, except that such cost shall not be borne by any  
 122 municipal agency. The Commissioner of Transportation may issue a  
 123 permit to said person to construct or install the changes required by  
 124 the State Traffic Commission.

125 (e) Any person aggrieved by any decision of the State Traffic  
 126 Commission hereunder may appeal therefrom in accordance with the  
 127 provisions of section 4-183, except venue for such appeal shall be in the  
 128 judicial district in which it is proposed to operate such establishment.  
 129 [The provisions of this section except insofar as such provisions relate  
 130 to expansion shall not apply to any open air theater, shopping center  
 131 or other development generating large volumes of traffic in operation  
 132 on July 1, 1967.]

133 Sec. 3. Section 14-311c of the general statutes is repealed and the  
 134 following is substituted in lieu thereof (*Effective October 1, 2002*):

135 (a) No group of persons, firms, corporations, state agencies or  
 136 municipal agencies or combination thereof shall build, expand,  
 137 establish or operate any open air theater, shopping center or other  
 138 development generating large volumes of traffic on any group of  
 139 individual parcels of land which are separately owned but are utilized  
 140 together for a single development purpose, whether or not such  
 141 parcels are separated by any state, local or private roadway, having an  
 142 exit or entrance on, or abutting or adjoining, any state highway or  
 143 substantially affecting state highway traffic within this state until such  
 144 group has procured from the State Traffic Commission a certificate  
 145 that the operation thereof will not imperil the safety of the public.

146 (b) No local building official shall issue a building or foundation

147 permit to any such group or member thereof to build, expand,  
148 establish or operate such a development until the group or member  
149 provides to such official a copy of the certificate issued under this  
150 section by the commission. If the commission determines that any  
151 group or member has (1) started building, expanding, establishing or  
152 operating such a development without first obtaining a certificate from  
153 the commission, or (2) has failed to comply with the conditions of such  
154 a certificate, it shall order the group or member to (A) cease  
155 constructing, expanding, establishing or operating the development, or  
156 (B) to comply with the conditions of the certificate within a reasonable  
157 period of time. If such group or member fails to (i) cease such work, or  
158 (ii) comply with an order of the commission within such time as  
159 specified by the commission, the commission or the traffic authority of  
160 the municipality wherein the development is located may make an  
161 application to the superior court for the judicial district of Hartford or  
162 the judicial district where the development is located enjoining the  
163 construction, expansion, establishment or the operation of such  
164 development.

165 (c) The State Traffic Commission shall issue its decision on an  
166 application for a certificate under subsection (a) of this section not later  
167 than one hundred twenty days after it is filed, except that, if the  
168 commission needs additional information from the applicant, it shall  
169 notify the applicant in writing as to what information is required and  
170 (1) the commission may toll the running of such one-hundred-twenty-  
171 day period by the number of days between and including the date  
172 such notice is received by the applicant and the date the additional  
173 information is received by the commission, and (2) if the commission  
174 receives the additional information during the last ten days of the one-  
175 hundred-twenty-day period and needs additional time to review and  
176 analyze such information, it may extend such period by not more than  
177 fifteen days. [The State Traffic Commission may also, at its discretion,  
178 postpone action on any application submitted pursuant to this section  
179 or section 14-311a until such time as it is shown that an application has  
180 been filed with and approved by the municipal planning and zoning

181 agency or other responsible municipal agency.]

182 (d) In determining the advisability of such certification, the State  
 183 Traffic Commission shall include, in its consideration, highway safety,  
 184 the width and character of the highways affected, the density of traffic  
 185 thereon, the character of such traffic, [and] the opinion and findings of  
 186 the traffic authority of the municipality wherein the development is  
 187 located and consistency with the state plan of conservation and  
 188 development. If the State Traffic Commission determines that traffic  
 189 signals, pavement markings, channelization, pavement widening or  
 190 other changes or traffic control devices are required to handle traffic  
 191 safely and efficiently, one hundred per cent of the cost thereof shall be  
 192 borne by the group building, establishing or operating such open air  
 193 theater, shopping center or other development generating large  
 194 volumes of traffic, except that such cost shall not be borne by any  
 195 municipal agency. The Commissioner of Transportation may issue a  
 196 permit to said group to construct or install the changes required by the  
 197 State Traffic Commission, in consultation with the local traffic  
 198 authority.

199 (e) Any group aggrieved by any decision of the State Traffic  
 200 Commission hereunder may appeal therefrom in accordance with the  
 201 provisions of section 4-183, except venue for such appeal shall be in the  
 202 judicial district in which it is proposed to operate such establishment.  
 203 [The provisions of this section except insofar as such provisions relate  
 204 to expansion shall not apply to any open air theater, shopping center  
 205 or other development generating large volumes of traffic which has  
 206 received all necessary permits, variances, exceptions and approvals  
 207 from the municipal zoning commission, planning commission,  
 208 combined planning and zoning commission and zoning board of  
 209 appeals in which such development is located prior to or on July 1,  
 210 1985, or to any such development which is in operation on that date.]

211 Sec. 4. Subsection (g) of section 8-3 of the general statutes is repealed  
 212 and the following is substituted in lieu thereof (*Effective October 1,*

213 2002):

214 (g) The zoning regulations may require that a site plan be filed with  
 215 the commission or other municipal agency or official to aid in  
 216 determining the conformity of a proposed building, use or structure  
 217 with specific provisions of such regulations. If a site plan application  
 218 involves an activity regulated pursuant to sections 22a-36 to 22a-45,  
 219 inclusive, the applicant shall submit an application for a permit to the  
 220 agency responsible for administration of the inland wetlands  
 221 regulations not later than the day such application is filed with the  
 222 zoning commission. The decision of the zoning commission shall not  
 223 be rendered on the site plan application until the inland wetlands  
 224 agency has submitted a report with its final decision. In making its  
 225 decision the zoning commission shall give due consideration to the  
 226 report of the inland wetlands agency. A site plan may be modified or  
 227 denied only if it fails to comply with requirements already set forth in  
 228 the zoning or inland wetlands regulations. If the applicant is required  
 229 to obtain a certificate of operation from the State Traffic Commission  
 230 under sections 14-311, as amended by this act, and 14-311c, as  
 231 amended by this act, the commission shall not render its decision on a  
 232 site plan application until the applicant submits evidence of the final  
 233 decision of the State Traffic Commission. Approval of a site plan shall  
 234 be presumed unless a decision to deny or modify it is rendered within  
 235 the period specified in section 8-7d. A certificate of approval of any  
 236 plan for which the period for approval has expired and on which no  
 237 action has been taken shall be sent to the applicant within fifteen days  
 238 of the date on which the period for approval has expired. A decision to  
 239 deny or modify a site plan shall set forth the reasons for such denial or  
 240 modification. A copy of any decision shall be sent by certified mail to  
 241 the person who submitted such plan within fifteen days after such  
 242 decision is rendered. The zoning commission may, as a condition of  
 243 approval of any modified site plan, require a bond in an amount and  
 244 with surety and conditions satisfactory to it, securing that any  
 245 modifications of such site plan are made or may grant an extension of  
 246 the time to complete work in connection with such modified site plan.

247 The commission may condition the approval of such extension on a  
248 determination of the adequacy of the amount of the bond or other  
249 surety furnished under this section. The commission shall publish  
250 notice of the approval or denial of site plans in a newspaper having a  
251 general circulation in the municipality. In any case in which such  
252 notice is not published within the fifteen-day period after a decision  
253 has been rendered, the person who submitted such plan may provide  
254 for the publication of such notice within ten days thereafter.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>

***Statement of Purpose:***

To promote coordinated land management by (1) expanding the membership of the State Traffic Commission and authorizing it to consider land use planning in its decisions, and (2) specifying that zoning commissions cannot render decisions on site plans for which a certificate of operation is required until the applicant submits evidence of having been issued such certificate.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*